

Application No. 10/063315***Amendment*****Page 4****REMARKS**

This Amendment is in response to the Office Action of September 19, 2005. In the Office Action claims 38-45 were rejected under 35 USC 112, second paragraph. Claims 38-40, 44-47, 49, and 51-53 were rejected under 35 USC 102(b) as being anticipated by US patent 5,591,198 to Boyle et al. Claims 41, 43, 48, and 50 were rejected as being unpatentable over Boyle in view of US patent 6,258,117 to Camrud et al. Claims 38 and 46 have been amended without prejudice or disclaimer. No new matter has been introduced with these amendments. These rejections are addressed below under headings consistent with those of the Final Office Action.

35 USC § 112

In the Office Action, claims 38-45 were rejected under 35 USC 112, second paragraph. The Office Action asserts that "the coil segments" and "the serpentine segments" of independent claim 38 do not have sufficient antecedent basis. Claim 38 has been amended to address this issue. Withdrawal of the rejection is respectfully requested.

35 USC §102(b)

Claims 38-40, 44-47, 49, and 51-53 were rejected under 35 USC 102(b) as being anticipated by US patent 5,591,198 to Boyle et al.

Applicant has amended claims 38 and 46 without prejudice or disclaimer. Claim 38 has been amended to recite that "the at least one coil segment having curved portions that extend up to 90 degrees about the longitudinal axis, immediately adjacent curved portions which are annularly aligned and longitudinally offset maintaining a substantially constant longitudinal distance from each other". Similarly, claim 46 has been amended to recite that "the coil segment having curved portions that extend up to 90 degrees about the longitudinal axis, immediately adjacent curved portions which are annularly aligned and longitudinally offset maintaining a substantially constant distance from each other longitudinally".

Boyle et al does not disclose the immediately adjacent curved portions as claimed in amended claims 38 and 46. The coil section 15 of Boyle as defined by the Examiner is described in column 2 lines 31-34 of Boyle as having a hollow cylindrical shape including a

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preformed the abstract defined coil section 15 of Boyle does not . The spiral connector of Fig. 3 of Hojeibane is shown as extending over a much shorter length than the "cell type stents" of Hojeibane. There is no suggestion in Hojeibane to modify the length of the spiral connector so that it would exceed the length of the "cell type stents".

Claim 46 similarly recites that the the coil segment is longer than the tubular serpentine segment. Again, Hojeibane does not disclose this feature - see, for example, the stent of Fig. 3 of Hojeibane, which shows the opposite.

At least for this reason, Applicant respectfully requests that the 102 rejection of claims 38, 39, and 45-50 be withdrawn.

35 USC §103

In the Final Office Action, claims 40, 41, 43, 44, and 51-53 were rejected as being unpatentable under 35 USC 103(a) over Hojeibane. Claims 40, 41, 43, 44, and 51-53 are allowable for at least the reason discussed above with respect to independent claims 38 and 46. Applicant respectfully requests that the obviousness rejection of these claims be withdrawn.

In the Final Office Action, claims 42, 54, and 55 were rejected under 35 USC 103(a) as being unpatentable over US Patent 5,911,732 to Hojeibane in view of US patent 6,258,117 to Camrud et al.

Concerning claims 42, Camrud does not provide the missing teaching concerning the length of the coil segments. For at least this reason, Applicant respectfully requests that the obviousness rejection of claim 42 be withdrawn.

Claims 54 and 55 have been canceled without prejudice or disclaimer thereby mooted the rejection as to these claims.

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Amendment


Conclusion

In view of the foregoing it is believed that the present application, with claims 38-55, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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